

ORDER NO. 1735

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Robert G. Taub, Vice Chairman;
Mark Acton;
Tony Hammond; and
Nanci E. Langley

Competitive Product Prices
Express Mail Contract 11 (MC2011-14)
Negotiated Service Agreement

Docket No. CP2011-50

NOTICE AND ORDER CONCERNING AMENDMENT TO
EXPRESS MAIL CONTRACT 11

(Issued May 30, 2013)

I. INTRODUCTION

On May 24, 2013, the Postal Service filed notice that it has agreed to an amendment to the existing Express Mail Contract 11.¹ The Notice included a redacted version of the amendment to Express Mail Contract 11 (Amendment). On May 28, 2013, the Postal Service filed the certified statement and supporting financial information required by 39 CFR 3015.5(c) relating to the change in prices.² For

¹ Notice of United States Postal Service of Change in Prices Pursuant to Amendment to Express Mail Contract 11, May 24, 2013 (Notice).

² Notice of the United States Postal Service of Filing Supplemental Materials for Amendment to Express Mail Contract 11, May 28, 2013 (Supplement).

purposes of 39 CFR 3015.5(a), the Commission considers May 28, 2013 (the day the Postal Service submitted all information required under that section), to be the date of filing of the notice. In the future, the Postal Service should file all of its supporting information contemporaneously with its Notice.

The Amendment changes the prices that apply to packages sent under Express Mail Contract 11 and provides for an annual adjustment of the new prices. Notice, Attachment A. It is scheduled to take effect on the day that the Commission completes its review of the Amendment. Notice at 1.

The Postal Service's Notice contained the Amendment as Attachment A and sought to incorporate by reference the original application for non-public treatment in this docket. *Id.* The Supplement, filed several days later, contained the supporting financial documentation and certified statement required by 39 CFR 3015.5. The certified statement was designated as Attachment B. Supplement, Attachment B.

In the certified statement required under 39 CFR 3015.5, Steven Phelps, Manager, Regulatory Reporting and Cost Analysis, Finance Department, states that the amended prices and terms are consistent with Governors Decision No. 09-14 and 39 U.S.C. 3633(a) *Id.* He concludes that the contract is expected to cover its attributable costs and will not result in the subsidization of competitive products by market dominant products. *Id.*

II. NOTICE OF FILINGS

Interested persons may submit comments on whether the changes presented in the Postal Service's Notice and Supplement are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR 3020 subpart B. Comments are due no later than June 6, 2013. The public portions of these filings can be accessed via the Commission's website (www.prc.gov). Information on how to obtain access to non-public material appears at 39 CFR 3007.40.

The Commission appoints Lawrence Fenster to represent the interest of the general public (Public Representative) in this case.

III. ORDERING PARAGRAPHS

It is ordered:

1. The Commission reopens Docket No. CP2011-50 for consideration of matters raised by the Postal Service's Notice.
2. Pursuant to 39 U.S.C. 505, the Commission designates Lawrence Fenster to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.
3. Comments are due no later than June 6, 2013.
4. The Secretary shall arrange for publication of this Order in the *Federal Register*.

By the Commission.

Shoshana M. Grove
Secretary